

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 02 TEL AVIV 006649

SIPDIS

E.O. 12958: DECL: 12/30/2014

TAGS: [PREL](#) [PGOV](#) [KWBG](#) [IS](#) [SETTLEMENTS](#) [ISRAELI](#) [PALESTINIAN](#) [AFFAIRS](#)

SUBJECT: ALFE MENASHE SETTLEMENT EXPANDING TO THE GREEN LINE

Classified By: Political Counselor Norm Olsen for reasons 1.4 (b) and (d).

1. (C) Summary. Amira Bahat, council member of the Israeli town of Nirit, which abuts the Green Line, told Embassy economic officer on December 22 that the Alfe Menashe settlement will eventually spread to the Green Line with the construction of over 1,200 new housing units on the West Bank land between the settlement and the Green Line. She explained that advertising for a new neighborhood of Alfe Menashe, called Nof Hasharon, began in 1999. According to Bahat, private developers bought the land and signed an agreement with Nirit for the development to be connected to Nirit's infrastructure, but the developers lost interest with the start of the Intifada and never fulfilled their part of the agreement. In late 2003, they came back to renegotiate with Nirit, but the town's residents in 2004 voted against being connected to Nof Hasharon and have petitioned the High Court to stop construction because, she said, Israel made commitments to the U.S. to stop settlement activity and because they "do not want to be annexed into a settlement." Bahat contended that, in addition to Nof Hasharon, there are plans for two more housing developments near the new neighborhood for another 1,200 housing units and that the separation barrier will eventually be moved further into the West Bank so these areas will be on the west side of the seamline and therefore "in Israel." GOI officials from the Ministries of Defense, Housing and Construction, and Justice told econoff that Nof Hasharon is a private development and the only GOI involvement was approvals given by zoning authorities many years ago. End summary.

How Did We Get Here?

2. (C) Amira Bahat, council member of the town of Nirit, west of the Green Line, told Embassy economic officer on December 22 that in late 1999, Nirit's residents woke up one morning to find a placard advertising a new housing development next to their community called "Nirit North." This new development, now referred to as Nof Hasharon, is next to Nirit -- on the east side of the Green Line, but west of the separation barrier. According to Bahat, upon investigating why "Nirit North" was being established without their knowledge, Nirit's residents discovered that the development was actually an extension of Alfe Menashe, a West Bank settlement almost three kilometers beyond the Green Line. Nirit petitioned the High Court to stop construction, but by February 2000, the residents decided they could not win because "the construction was happening without rules and regulations" since the Ministry of Defense (MOD) "authorizes what happens in the territories."

3. (C) Nirit's residents eventually gave up their case and signed an agreement with Attorney Moshe Glick, who represents the land developers, which stated that the planned 42 houses of the development would be able to use Nirit's infrastructure -- roads, electricity, sewage, schools -- in exchange for a lump sum of \$25,000 and payments of monthly property taxes. (Note: Bahat said that among the developers Glick represents are Benny Katzover and Benzi Lieberman, senior members of the YESHA council. End note). Nof Hasharon's residents, however, would pay their taxes to Alfe Menashe which would then pass the funds to Nirit. Bahat explained that, the agreement notwithstanding, the developers never paid Nirit any money and that construction stopped at the start of the Intifada because the developers "lost interest."

4. (C) Bahat related that once construction of the separation barrier started in their area in late 2003, the developers came back to Nirit to try to renegotiate the agreement. At this point, the plans for the development had grown to 52 houses. The negotiations continued through August 2004, but that month 70 percent of Nirit's residents voted twice against being linked to Nof Hasharon despite the fact that, as Bahat explained, "we need the money." The other 30 percent of the residents allegedly voted in favor because they thought they could not win and the development would move forward regardless. One week after the second vote, she concluded, construction restarted.

5. (C) Bahat continued that Nirit's residents again petitioned the High Court o/a November 7 to stop construction

of Nof Hasharon because, she said, Israel made commitments to the U.S. to stop settlement activity. She also said Nirit's residents "do not want to be annexed into a settlement." Bahat reported, however, that the GOI's response was that this development was approved five years ago, so Israel-U.S. commitments do not apply. Nirit residents are currently waiting for the High Court's decision while construction continues.

Seeking Other Help

16. (C) Bahat stated that members of Nirit's council recently went to the Interior Committee of the Knesset with Labor MK Amram Mitzna to get the project stopped. Some of the MKs reportedly agreed that this "was not a normal thing," and one MK allegedly said, "Believe me, we think like you but we cannot help you. If you want help, go to the U.S."

What Happens Next?

17. (C) In response to econoff's question, Bahat replied that Nirit's residents sought the advice of Gabriela Shalev, a law professor, who told them that the original agreement was voided because the developers never paid Nirit's residents what they owed. Bahat said this was irrelevant, however, because Nirit has already "received orders from the army" to open up its fence, which runs along the Green Line, so Nof Hasharon's residents can use Nirit's roads.

But it's Only the Beginning

18. (C) With respect to the West Bank land between Nof Hasharon and Alfe Menashe, Bahat reported that apparently Jews bought it from Arabs over 70 years ago, but she opined that it should go to "Palestine." She added that there will be more construction there and gave econoff a map which shows a housing development planned for West Bank land between Nof Hasharon and the separation barrier called "Admot Hayehudim," or "Land of the Jews." Bahat continued that Ilan Niv, chairman of Nirit's council, went to meet with Alfe Menashe's leaders several days ago and he reportedly saw a map with another planned development on West Bank land south of Admot Hayehudim called "Ilanit." Bahat concluded that, because of these two new developments, Nirit will eventually be flanked by 1,200 housing units on its east side.

19. (C) Bahat explained that, based on the snake-like pattern of the separation barrier in this area, Nof Hasharon's residents would have to cross two fences to get to Alfe Menashe. She opined, however, that the separation barrier will eventually be moved to run along Alfe Menashe's east side so these new houses "will be in Israel." (Note: Such a change in the route of the separation barrier would leave the new houses on West Bank land, albeit west of the barrier. End note). Bahat said that the developers in fact originally advertised the land as being located in Israel rather than east of the Green Line -- although they have not done so since the case went to the High Court -- and this may be the case in the long run.

GOI Says it's a Private Matter

110. (C) Grisha Yaakovovich, who replaced Oded Herman in COGAT at the Ministry of Defense (MOD), told econoff that he did not know anything about this case other than it is being discussed in the High Court. He said that since it is a private development, he did not have any other details. Chaim Fialkoff, acting director general at the Ministry of Housing and Construction (MOHC), said he also had few details because the land was bought by private developers and the only government involvement was for the Civil Administration to give permits years ago. He explained that the MOHC has not provided subsidies or any infrastructure -- which is why the settlement is connecting to the infrastructure of Nof Hasharon -- nor is it overseeing any of the construction. In response to econoff's question, Fialkoff confirmed that the West Bank land between Alfe Menashe and Nof Hasharon is also privately owned. Mike Blass, Deputy Attorney General at the Ministry of Justice (MOJ), repeated the fact that the land was privately acquired long ago with approval from the zoning authorities.

Visit Embassy Tel Aviv's Classified Website:
<http://www.state.sgov.gov/p/nea/telaviv>

You can also access this site through the State Department's
Classified SIPRNET website.
